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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,556	02/23/2004	Xiaoshu Xu	MAE-OC1	8670

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EXAMINER	
STREGE, JOHN B	
ART UNIT	PAPER NUMBER
2624	

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04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,556	XU, XIAOSHU	
	Examiner	Art Unit	
	JOHN B. STREGE	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. The amendment received 11/03/07 has been entered in full.

Terminal Disclaimer

2. The terminal disclaimer filed on 11/03/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/877,018 (now patent 7,310,432) has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4,7-8,16-17,21,24-26,29-30,38, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Tumey et al. USPN 6,807,291.

Regarding claim 1, Tumey discloses a system for personal identity verification comprising: a computer based enrollment system for training a neural net to obtain neural net weights for a biometric of a user (col. 7 lines 9-20); a carrier (the toy 127 is a carrier that contains the mounted sensor 120 and the computer system 113 with the neural network, col. 3 lines 20-52); a validation biometric sensor for capturing a biometric reading from said user, mounted on said carrier and connected to said neural

net engine circuitry (fingerprint sensor 120 mounted inside the toy, col. 3 lines 36-40); and neural net engine circuitry mounted on said carrier and having memory for stored neural net weights obtained from said computer based enrollment system for said user (col. 3 lines 53-63, col. 7 lines 10-20, col. 8 lines 23-35).

Regarding claim 2, Tumey discloses wherein said validation biometric sensor upon activation transmits data to said neural net engine circuitry and said neural net engine circuitry generates an acceptance signal when the value generated by an output node of said neural net engine circuitry is within a predetermined acceptance range (col. 3 lines 53-63).

Regarding claim 3, the toy interacts with the user thus provides a visual display (col. 2 lines 47-67).

Regarding claim 4, the toy generates speech based on the user interaction (col. 2 lines 47-67).

Regarding claims 7-8, Tumey discloses activating an electrical switch and wireless transmitter (paragraph bridging cols. 3-4).

Regarding claim 16, as discussed Tumey discloses a biometric sensor 120, a computer connected to the sensor 113, and neural network training software in the computer (col. 3 lines 53-63).

Regarding claim 17, the sensor is a fingerprint sensor.

Regarding claim 21, the neural net has inter and intra layer connections of the nodes (figure 3).

Regarding claim 24, Tumey discloses a method for personal identity verification comprising the steps of: sensing enrollment information related to a biometric of a user that is recorded by an enrollment sensor (col. 8 lines 43-67); transferring said enrollment information to a computer (col. 8 lines 43-67); combining said enrollment information with samples from a representative database of biometrics from other individuals to form a training set (col. 7 lines 9-20); using said training set and a computer algorithm in said computer to train a pre- chosen neural net structure to preferentially select said biometric of a user and in so doing calculating a chosen set of neural net weights (col. 8 lines 23-42); transferring said chosen set of neural net weights into neural net circuitry attached to a carrier (col. 8 lines 23-42); sensing validation information relative to a biometric of a user that is recorded by a biometric validation sensor attached to said carrier (fingerprint sensor 120 mounted inside the toy, col. 3 lines 36-40); transferring said validation information to said neural net circuitry to generate a verification value at the output node (col. 7 line 9-col. 8 line 67); and producing an acceptance signal when the value generated by said output node is within a pre-determined acceptance range (col. 7 line 9-col. 8 line 67).

Claim 25 is similarly analyzed to claim 3.

Claim 26 is similarly analyzed to claim 4.

Claims 29-30 are similarly analyzed to claims 7-8.

Claim 38 is similarly analyzed to claim 17.

Claim 42 is similarly analyzed to claim 21.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-6, 9-15, 18-20, 22-23, 27-28, 31-37, 39-41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tumey.

Regarding claims 5-6, Tumey does not explicitly disclose activating a magnetic stripe or deactivating the stripe after an elapsed time, however it is well known in the art of biometric authentication to do so and thus the Examiner declares official notice. It would be obvious to activate a magnetic stripe to allow for controlling the internet access of the user.

Regarding claims 9-15, 22-23, and 43-44 the carrier used would be a matter of design choice.

Regarding claims 18-20, the sensors used would be a matter of design choice.

Claims 27-28 are similarly analyzed to claims 5-6.

Claims 31-37 are similarly analyzed to claims 9-15.

Claims 39-41 are similarly analyzed to claims 18-20.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. STREGE whose telephone number is

(571)272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B Strege/
Temporary Partial Sig. Examiner, Art Unit 2624